

September 14, 2005



Marlene H. Dortch
Secretary
Federal Communications Commission
TW-A325
445 Twelfth St., SW
Washington, DC 20554

Re: *Notice of Ex parte* presentation in MB Docket No. 99-25

Dear Ms. Dortch:

On September 13, 2005, Harold Feld of Media Access Project met with Jordan Goldstien, Advisor to Commissioner Copps. Mr. Feld urged the Commission to extend the freeze on granting translator applications imposed in the *FNPRM* on March 17, 2005. Unless the Commission acts, the freeze will expire on September 17, 2005.

Mr. Feld observed that the purpose of the freeze was to allow the Commission to consider whether to grant LPFM future LPFM applications priority over translators and, if so, under what conditions. Because the *FNPRM* was not published in the Federal Register until July 7, 2005, and because the Commission subsequently extended the comment and reply comment deadlines, the Commission will not even finish collecting comments in this proceeding until after the freeze expires. It makes little sense to begin granting translator construction applications before the Commission has had a chance to consider the data collected in this docket.

Mr. Feld also observed that on March 9, 2005, Prometheus Radio Project and others had filed a motion for freeze of all applications associated with the March 2003 Translator window. Although the Petition had primarily addressed the conduct of named parties (the merits of which were not discussed to avoid any violation of the *ex parte* rules), the Petition explicitly requested a freeze so that the Commission could conduct an investigation into whether the anti-trafficking rules required by Section 309(j)(4)(E) of the Communications Act were adequate to protect the window as a whole and, if not whether to dismiss all pending applications and open a new window with adequate regulations. Mr. Feld urged the Commission to act expeditiously on the pending Petition.

In accordance with Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206, this letter is being filed with your office. If you have any questions, please do not hesitate to contact me.

Respectfully Submitted,

Harold Feld
Senior Vice President

cc: Jordan Goldstien